

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 20615 OF 2005

Date: 26.09.2005

BETWEEN:

Asghar Ali Khan

.... PETITIONER

Vs.

1. The Commissioner, Municipal Corporation of Hyderabad, office at Tank Bund, Hyderabad, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 20615 OF 2005

ORDER:

The petitioner is the owner of premises bearing Municipal No.20-4-146/2 and 20-4-146/3 situated at Sha-Ali-Banda road. He alleges that respondents 1 and 3 along with staff came to the petitioner's property and threatened to demolish his property without providing alternative site, and also forced the petitioner to give consent. According to the petitioner earlier in 1986 road widening programme was taken up, and when the owners and tenants approach this Court in accordance with the judgment of this Court in W.P.No.16705 of 1986,

the displaced persons were provided alternative sites. But the same benefit is being denied to the petitioner in gross violation of principles of natural justice.

The learned counsel for the petitioner placed reliance on the judgment of this Court in W.P.No.16705 of 1986 in support of the right of the petitioner to compel Municipal Corporation of Hyderabad (MCH) to provide alternative site in lieu of the petitioner's property, which would be affected in road widening programme. After perusing the judgment, this Court is not able to agree with the submission. The present road-widening programme is being taken up by the MCH duly following the procedure under Section 145 and 146 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'). Initially MCH is approaching the owners/tenants for consent and cooperation in handing over advance possession for taking up road widening programme. In case, the owners/tenants are not willing to give such consent, the MCH has to necessarily adopt the procedure contemplated under the Act. The learned standing counsel for MCH also submits that proposals for acquisition of the portion of the land affected by the road widening have already been sent to the Land Acquisition Officer. In that view of the matter, the Writ Petition is disposed of at the admission stage observing that unless and until the petitioner is deprived of his property by due process of law, his possession shall not be disturbed. It shall however be open to the MCH to acquire the land in accordance with law.

(V.V.S. RAO, J.)

26th September, 2005

Note: C.C. by two days

B/o

Js.